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BUREAU OF LAND MANAGEMENT
DENVER, COLORADO

THE
FUNDAMENTAL AUTHORITIES
FOR
FEDERAL LAND OWNERSHIP
AND
MANAGEMENT
1956

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AND
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1956

Director of Land Management
Bureau
Bureau of Land Management Center
Denver, CO 80216

U. S. DEPARTMENT OF THE INTERIOR

FRED A. SEATON, SECRETARY

BUREAU OF LAND MANAGEMENT

EDWARD WOOZLEY, DIRECTOR

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PREFACE

The United States was endowed with rich and varied land resources. Their generally beneficial use has afforded the Nation a phenomenal national expansion, most of its productivity, and an almost continuous prosperity. Throughout our history the public land resources have been a vast store-house of plenty from which to develop an economy of relative abundance.

Of the 1,903,824,640 acres total land area of the United States, the public domain represented at its greatest extent about 75 percent or 1,440,885,600 acres. It included land which became Florida, Alabama, and Mississippi, and all of the States north and west of the Ohio and Mississippi Rivers, except Texas, which have become known as the public land States.

Today the people of the United States still have a vested interest in approximately 407,896,394 acres of public lands, primarily located in our Western States. The area of vacant and unappropriated Federal land in the United States, however, has shrunk to 169,692,660 acres, of which 142,403,429 acres lie within grazing districts and 27,289,231 acres outside of such districts. The total area of Federal public lands within grazing districts, including lands administered under agreement and Pierce Act leases, is 170,398,403 acres and this is sometimes referred to as the Federal Range.

In Alaska, the Nation still has a vast and largely unsubjugated frontier with a total land area of 365,481,600 acres. Only about 425,000 acres have been patented under the public-land laws. There is still a total of about 270,000,000 acres of vacant, unappropriated and unreserved land in Alaska.

The manifest importance of the remaining public domain to the economy and general welfare of the people and the increasing public interest in its management invite careful study. This report gives basic information on the extent of the people's reserved and unreserved acres and the authorities under which they are being held in custody and protected and managed for this and future generations. Balanced national development is dependent on orderly progress in the use, conservation, and development of reserved and unreserved public lands as well as private lands.

In recent years, there has been a growing demand, both from public and private sources, for fuller utilization and development of all of the resources of the public domain--the soil, mineral, timber, forage, and other material resources; the fish, wildlife, power, and water resources; the scenic, wilderness, shorelands and recreation resources, as well as the site values of the land itself. Moreover, during the past several years, increasing concern has developed, particularly in the public land States, over the continual expansion of single-purpose or limited-purpose reservations through withdrawal of public land areas. This aspect of land ownership picture in the United States and Alaska is also considered.

Table 1 - FEDERALLY-OWNED LAND IN THE UNITED STATES AND ALASKA^{a/}
As of June 30, 1955
(By Bureau of Land Management Administrative Area)

Area	State or Territory	Total Land Area	Acreage Owned by Federal Government			Percentage of Total Land Area Owned by Federal Government
			Public Domain	Acquired Land	Total Federally-Owned Land	
1	California	100,313,600	45,352,240	1,822,260	47,174,500	47.0
	Oregon	61,641,600	30,854,145	747,415	31,601,560	51.3
	Washington	42,743,040	11,370,128	1,417,627	12,787,755	29.9
	Total Area 1	204,698,240	87,576,513	3,987,302	91,563,815	44.7
2	Arizona	72,688,000	32,078,033	243,169	32,321,202	44.5
	Idaho	52,972,160	33,725,371	821,803	34,547,174	65.2
	Nevada	70,264,960	60,134,230	1,041,672	61,175,902	87.1
	Utah	52,701,440	36,627,265	373,153	37,000,418	70.2
	Total Area 2	248,626,560	162,564,899	2,479,797	165,044,696	66.4
3	Colorado	66,510,080	23,243,062	877,351	24,120,413	36.3
	Kansas	52,549,120	28,224	295,048	323,272	0.6
	Montana	93,361,920	25,562,240	2,390,189	27,952,429	29.9
	Nebraska	49,064,320	251,363	435,898	687,261	1.4
	New Mexico	77,767,040	24,851,547	1,366,933	26,218,480	33.7
	North Dakota	44,836,480	202,578	1,683,792	1,886,370	4.2
	Oklahoma	44,179,840	211,169	784,942	996,111	2.3
	South Dakota	48,983,040	1,611,827	1,416,963	3,028,790	6.2
	Texas	168,648,320	-	2,584,854	2,584,854	1.5
	Wyoming	62,403,840	28,972,692	878,621	29,851,313	47.8
	Total Area 3	708,304,000	104,934,702	12,714,591	117,649,293	16.6
Total All Other States		742,195,840	3,092,847	30,545,743	33,638,590	4.5
4	Total States	1,903,824,640	358,168,961	49,727,433	407,896,394	21.4
	Alaska	365,481,600	365,059,870	2,521 ^{b/}	365,062,391	99.9
	Total States and Alaska	2,269,306,240	723,228,831	49,729,954	772,958,785	34.1

^{a/} For total, by agency, see Table 3.

^{b/} Does not include acreage used for military functions by the Department of Defense.

Source: Senate Documents 100 and 109, 84th Cong., 2d Session, with adjustments by General Services Administration.

EXTENT OF FEDERAL LAND OWNERSHIP

The Federal Government owns a vast acreage of public lands. Of the 1,903,824,640 acres total land area of the continental United States, 21.4 percent, or 407,896,394 acres, is federally owned. Table 1 shows the Federal land acreage for individual Western States, collectively for the Eastern States, and for Alaska, by Bureau of Land Management administrative areas, compared with the total land area in each, and the percentage of Federal ownership in each. There are federally owned lands in every State. The least is in Connecticut with about 6,000 acres while Nevada has the most with over 61 million acres. Federal lands in the seventeen Western States, embraced in Areas 1, 2, and 3 of the Bureau of Land Management, comprise about 92 percent of the federally owned land in the United States and about one-third of the total land area in western United States.

The Federal Departments having jurisdiction over the largest public land areas are the Department of the Interior with 211,504,056 acres (201,996,326 public domain and 9,507,730 acquired), the Department of Agriculture with 167,894,226 acres (139,761,735 public domain and 28,132,492 acquired), and the Department of Defense with 25,391,787 acres (14,196,889 public domain and 11,194,898 acquired). The mineral resources of such public domain lands and disposal or leasing of minerals in acquired lands are usually administered by the Bureau of Land Management.

Table 2 shows the extent of trust land acreage in the United States and Alaska. The trust lands consist almost entirely of Indian tribal lands and allotments in the United States and native tribal lands and allotments in Alaska (Indian, Eskimo and Aleut).

There is a rather clear-cut distinction between public domain and other lands under Federal ownership. In general, public domain lands embrace those for which original title still rests in the United States, while the other represents lands acquired by purchase, donation, or transfer under Government land acquisition programs.

The federally owned land in the United States consists of 358,168,961 acres of public domain lands and 49,727,433 acres acquired by purchase, donation, transfer, or other methods. Table 3 shows the composition of the Federal lands for each of the western states, for the eastern states group, and for Alaska as to whether it is public domain land or acquired land by each of the major Federal agencies that has jurisdiction over Federal lands. Public domain lands are basically under the control of the Congress, with the Bureau of Land Management serving as its real estate agent, but administrative jurisdiction over much of the surface area has been transferred to many Federal agencies by the withdrawal and reservation of such lands.

Of the 365,481,600 acres, total land area of Alaska, about 99.9 percent, or 365,062,391 acres, is federally owned. Of the Federal lands, 365,059,870 acres are public domain, and only about 2,521 acres (exclusive of Department of Defense acquisitions) are acquired lands. Table 3 shows the extent of public lands in Alaska under the jurisdiction of various Federal departments and agencies and the extent to which these holdings comprise public domain or lands acquired by purchase, donation, or transfer. With minor exceptions, these holdings are public domain lands.

Table 2 - TRUST PROPERTY LAND ACREAGE
IN CUSTODY OF THE UNITED STATES GOVERNMENT
IN THE UNITED STATES AND ALASKA
As of June 30, 1955

Area	State or Territory	Bureau of Indian Affairs	Smithsonian Institution
1	California	707,054.3	
	Oregon	1,682,690.4	
	Washington	2,672,167.0	
	Total Area 1	5,061,911.7	
2	Arizona	19,370,182.7	
	Idaho	808,668.2	
	Nevada	1,162,024.0	
	Utah	2,325,862.5	
	Total Area 2	23,666,737.4	
3	Colorado	746,597.0	
	Kansas	33,808.0	
	Montana	5,716,600.2	
	Nebraska	68,682.7	
	New Mexico	8,446,666.4	
	North Dakota	906,173.4	
	Oklahoma	1,849,560.0	
	South Dakota	5,406,246.0	
	Texas	0	
	Wyoming	1,890,567.3	
	Total Area 3	25,064,901.0	
Total Eastern States and District of Columbia		1,394,843.5	13.3
Total United States		55,188,393.6	13.3
Alaska		93,968.2	0
Total United States and Alaska		55,282,361.8	13.3

Table 3 - FEDERALLY-OWNED LAND IN THE UNITED STATES AND ALASKA^a
As of June 30, 1955
(By Bureau of Land Management Area and Federal Agency)
(In Acres)

State or Territory	Department of the Interior						Department of Agriculture									
	Bureau of Land Management		National Park Service		Bureau of Reclamation		Bureau of Fish and Wildlife Service		Bureau of Indian Affairs		Forest Service		Other			
	Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired		
1 California	17,520,075	-	3,976,493	94,580	1,139,422	199,380	-	29,887	-	123	20	-	19,705,204	271,815	-	627
Oregon	1,469,667	96,397	1,667,775	8,158	260,335	234,793	189,108	-	1,367	-	40	1,280	14,626,215	299,332	-	-
Washington	460,417	-	1,129,258	8,158	107,215	362,594	67,079	-	3,003	-	-	6,136	9,447,135	231,347	-	233
Total Area 1	33,475,356	96,397	5,266,821	102,739	1,631,289	565,461	282,074	-	4,693	-	60	8,016	43,767,577	812,494	-	860
2 Arizona	13,075,796	41,147	1,446,392	2,951	1,663,189	82,314	1,926,976	1	8,612	-	1	11,334,033	306	-	-	66
Idaho	11,932,373	16	76,887	1,721,489	107,442	4,340	11,008	-	40,088	-	32	19,876,718	449,346	28,363	-	4,112
Nevada	47,956,960	4	115,240	640	2,891,804	111,724	2,931,939	54,847	14,039	-	4	5,037,786	19,704	18,372	-	-
Utah	29,672,330	31	286,728	1,921,462	76,039	48,778	21,321	-	477	-	15	7,102,677	213,978	-	-	-
Total Area 2	97,272,449	41,158	1,925,247	3,886	4,959,944	377,137	4,472,033	87,177	64,016	-	52	43,951,194	683,334	46,735	-	4,178
3 Colorado	8,208,989	2,160	503,890	15,516	547,074	43,261	4,160	5,357	-	565	184	13,741,145	631,797	-	-	71
Kansas	1,847	-	-	-	-	36,486	153	-	1,014	-	103	-	106,403	-	-	182
Montana	6,659,673	-	-	1,184,440	765	210,034	82,869	441,330	-	131,062	98	16,597,069	1,947,522	72,616	-	422
Nebraska	13,519	-	2,034	325	2,036	33,661	117,725	-	172	-	10	197,578	142,137	21,326	-	176
New Mexico	44,433,020	126,697	208,121	28,769	104,099	95,042	11,457	70,119	88,241	-	5	8,564,389	796,711	189,620	-	325
North Dakota	84,294	-	293	65,639	289	17,930	166,127	-	115	-	12	103,689	1,000,182	-	-	1,715
Oklahoma	23,617	17,063	-	-	413	12,945	77,606	1,934	146,372	-	44	261,824	8,363	4,952	-	1,715
South Dakota	300,599	-	86,929	47,497	18,129	29,042	80	32,187	-	-	2	142,065	787,256	360	-	4,802
Texas	-	-	692,075	32,991	4,010	96,566	-	-	1,127	-	2	8,671,440	469,359	9,108	-	1,611
Wyoming	17,075,680	-	2,322,846	758,375	317,021	17,395	21,163	-	-	-	2	8,671,440	469,359	9,108	-	1,611
Total Area 3	46,811,430	146,520	4,308,513	884,723	1,640,710	670,463	943,941	560,741	115	419,094	2	12,946	49,077,007	6,926,010	301,393	29,329
Total All Other States	278,215	-	134,735	2,272,426	-	12	25,299	1,822,086	532	71,765	-	562	2,666,829	19,644,307	-	31,978
Total States	177,818,461	284,115	11,635,316	3,263,774	8,231,940	1,613,455	5,310,461	2,752,078	647	559,568	12,662	21,576	39,413,607	28,066,145	348,128	66,345
4 Alaska	299,000,288	-	6,957,368	-	4,970	162	7,280,620	1	4,016,590	-	31,710	1,815	20,741,069	7	-	16
Total States and Alaska	476,818,749	284,115	18,592,684	3,263,774	8,236,910	1,613,617	12,591,081	2,752,079	4,017,237	559,568	44,372	23,391	160,154,676	28,066,152	348,130	66,361
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Area	State or Territory	Department of Defense						Atomic Energy Commission		Tennessee Valley Authority		Other			
		Department of the Air Force		Department of the Army		Department of the Navy		Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired		
		Public Domain	Acquired	Public Domain	Acquired	Public Domain	Acquired								
1	California	78,351	348,589	627,135	345,930	7,093	57,054	462,327	34,224	-	-	5,293	11,267		
	Oregon	37,320	58,664	7,160	11,402	11,506	34,188	2,593	-	-	-	1,825	36,348		
	Washington	1,958	18,352	28,429	325,111	1,011	31,278	330,750	71,687	326,591	-	4,211	10,493		
	Total Area 1	116,729	425,552	682,724	682,443	19,610	122,520	2,257,915	498,672	105,911	-	-	11,329	58,108	
2	Arizona	2,108,476	60,202	918,506	38,078	-	-	653	-	-	-	3,695	838		
	Idaho	868,191	2,289	5,506	-	-	-	260	241,087	198,593	-	4,417	229		
	Nevada	2,766,047	504,809	6,793	352	-	8,378	203,940	437,020	-	-	6,329	2,859		
	Utah	1,875,930	7,347	300,231	51,739	-	-	91,464	848	87,995	394	-	2,070	669	
3	Total Area 2	7,618,644	582,657	1,232,036	901,069	-	8,378	295,404	333,651	766,102	198,987	-	12,511	4,595	
	Colorado	-	63,332	1,761	77,068	142	25,415	59,168	3,515	176,555	6,838	-	178	3,677	
	Kansas	-	45,503	25,063	55,409	-	42,507	-	4,974	-	-	-	1,314	2,314	
	Montana	-	2,706	1,548	6,418	422,069	167,705	-	-	-	-	-	501	1,866	
4	Nebraska	-	3,300	20	50,490	-	38,518	-	48,831	-	-	-	-	563	
	New Mexico	10,965	35,786	1,200,432	108,887	2,281	3,337	-	-	84,737	3,180	-	32,435	9,834	
	North Dakota	-	6,274	79,391	44,044	9,795	423,254	-	-	-	-	-	141	153	
	Oklahoma	-	2,657,833	1,201	12,370	19,937	342,947	45,981	-	-	-	-	1,002	207	
Total Area 3	South Dakota	-	102,310	1,201	393,176	-	115,704	-	-	-	-	-	3,002	97,788	
	Texas	-	-	-	390,694	-	390,694	-	22,063	-	-	-	-	-	
	Wyoming	54,081	14,734	5,224	4,521	-	-	9,321	-	46,440	-	-	2,820	334	
	Total Area 3	65,046	519,778	1,314,640	752,687	454,224	1,540,041	68,489	125,364	307,732	-	-	41,452	116,877	
Total All Other States	All Other States	10	903,482	3,538	2,319,067	17,047	1,770,096	15,865	574,710	-	-	-	749,837	10,178	
	Total States	7,800,429	2,431,472	3,212,938	3,844,366	491,481	3,441,035	2,637,673	1,532,395	1,179,745	823,411	-	749,837	75,470	
	Alaska	3,658,130	-	-	-	-	-	-	-	-	-	-	-	130,918	520
	Total States and Alaska	11,459,159	2,431,472	3,459,508	3,844,366	491,481	3,441,035	2,637,673	1,532,395	1,179,745	823,411	-	749,837	206,388	278,381

a/ See Table 3 for totals by States and Alaska.

^d Does not include Indian trust properties of 95,108,394 acres in the States as follows: California, 707,054; Oregon, 1,682,690; Washington, 2,672,167; Arizona, 19,370,183; Idaho, 808,663; Nevada, 1,152,024; Utah, 2,325,863; Colorado, 746,597; Kansas, 33,803; Montana, 5,716,600; Nebraska, 68,693; New Mexico, 8,446,667; North Dakota, 906,173; Oklahoma, 1,849,560; South Dakota, 4,406,246; Wyoming, 1,890,557; Colorado, 844, and 93,993 acres in Alaska.

c/ Includes 23,000,000 acres in oil and gas reserve under joint administration with the Department of the Interior. 2,400,240; Wyoming, 1,050,261; other States, 1,394,844; and 93,900 acres in Alaska.

Source: Senate Documents 100 and 109, 84th Cong., 2d Session, with adjustments by General Services Administration.

Source: Senate Documents 100 and 109, 84th Cong., 2d Session, with adjustments by General Services Administration.

In using the acreage tabulations and textual material comprising this report, a major qualification should be constantly borne in mind. Under Executive Orders dated November 26, 1934, and February 5, 1935, all vacant, unappropriated, and unreserved public land in the United States was withdrawn from entry or disposal, pending its classification, to determine the best uses to which it could be put. These are the hallmark orders which facilitated the establishment of the federal grazing system and the advancement of national conservation. Being only temporarily in withdrawal status as an administrative measure, until classified, for disposal or retention in federal ownership, these lands are usually not considered to be withdrawn or reserved in a rigid sense. Table 4, which shows the acres of public lands under the exclusive jurisdiction of the Bureau of Land Management, therefore lists these lands as vacant public lands.

Area Subject to General Disposition Under Public Land Laws

The law governing the public lands is known as the "public land law." The Supreme Court so categorizes the special body of laws by which the Congress has undertaken to carry out its responsibility "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" under Article IV of the Constitution.

The vacant public lands in the United States, both within and without grazing districts, as shown in Table 4, are included in the general orders of withdrawal made by Executive Orders No. 6910 of November 26, 1934, and No. 6964 of February 5, 1935. The provisions of these orders, and of the amendments thereto, are contained in 43 CFR 297.11, 297.12 and 297.14 to 297.18, inclusive, of the 1949 edition.

The Taylor Grazing Act (48 Stat. 1269, as amended; 43 U.S.C., 315--315r) authorizes the Secretary of the Interior to provide for the protection, administration, regulation, and improvement of the public ranges, and to create grazing districts. A total of 142,403,429 acres had been included in grazing district as of June 30, 1955.

Many provisions affecting the administration of the remaining public lands were written into the Taylor Grazing Act. In the main, these provisions are as follows:

Section 5 provides that to the extent existing law or laws hereafter enacted permit, use may be made of areas which are subject to the provisions of the act for the cutting of timber and for the supply of sand, gravel, stone, clay, coal, and other material for utilization by miners, prospectors, bona fide settlers, and other residents for various specified purposes.

Section 6 provides for the acquisition, granting, or use of permits or rights-of-way within grazing districts under existing laws, and provides that nothing in the Act shall serve to restrict the prospecting, locating, developing, entering, leasing, or patenting of the mineral resources in such districts under applicable law.

Section 7 authorizes the classification of the withdrawn lands for use or disposal under suitable laws, and stipulated^s that the lands shall not be subject to disposition, settlement or occupation until after they have been classified and opened to entry.

Section 8 authorizes exchanges of lands with individuals and with the States. The purpose of the exchanges is to effect consolidations of Government, State, and private holdings.

TABLE 4 - AREA OF PUBLIC LANDS UNDER THE EXCLUSIVE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT
As of June 30, 1955
(In Acres)

Area	State or Territory	Vacant Public Lands a/					Reserved Lands b/	Unperfected Entries c/	Grand Total
		Within	Outside	Grazing Districts:	Total				
		Grazing Districts:							
1	California	2,863,941	13,588,428		16,452,369		927,588	140,118	17,520,075
	Oregon	12,345,073	799,237		13,144,310		2,381,696	24,072	15,550,078
	Washington	- - -	462,704		462,704		- - -	3,713	466,417
	Total Area 1	15,209,014	14,950,369		30,059,383		3,309,284	167,903	33,536,570
2	Arizona	10,596,163	2,021,246		12,617,409		448,136	50,707	13,116,252
	Idaho	10,881,924	508,140		11,390,064		328,340	183,968	11,902,372
	Nevada	42,514,888	3,671,697		46,186,585		1,138,681	271,564	47,596,830
	Utah	24,384,290	96,403		24,480,693		143,104	73,437	24,697,234
	Total Area 2	88,377,265	6,297,486		94,674,751		2,050,261	579,676	97,312,688
3	Colorado	7,274,906	636,677		7,911,583		286,060	14,098	8,211,741
	Kansas	- - -	1,847		1,847		- - -	- - -	1,847
	Montana	5,260,902	1,375,450		6,636,352		21,717	1,556	6,659,625
	Nebraska	- - -	13,519		13,519		- - -	- - -	13,519
	New Mexico	13,222,950	410,708		13,633,658		908,212	27,847	14,569,717
	North Dakota	- - -	84,040		84,040		- - -	254	84,294
	Oklahoma	- - -	23,645		23,645		17,063	172	40,880
	South Dakota	- - -	300,559		300,559		- - -	40	300,599
	Texas	- - -	- - -		- - -		- - -	- - -	- - -
	Wyoming	13,058,392	3,021,251		16,079,643		987,177	8,852	17,075,672
	Total Area 3	38,817,150	5,867,696		44,684,846		2,220,229	52,819	46,957,894
	Eastern States and D. C.	- - -	273,680		273,680		- - -	4,535	278,215
	Total United States	142,403,429	27,289,231		169,692,660		7,604,982 d/	804,933	178,102,575 d/
4	Territory of Alaska:	- - -	270,000,000		270,000,000 e/		28,823,180 e/	177,108	299,000,288
	GRAND TOTAL	142,403,429	297,289,231		439,692,660		36,428,162 d/	982,041	477,102,863 d/

a/ The following types of surveyed and unsurveyed public and ceded Indian lands are included: Areas withdrawn under the Executive Orders of November 26, 1934, and February 5, 1935 (43 CFR 297.11 et seq.); areas embraced in mineral withdrawals and classifications; areas withdrawn for resurvey; and areas restored to entry within national forests (Act of June 11, 1906, 34 Stat. 233, 16 U.S.C. 506--509), within reclamation projects (Act of June 17, 1902, 32 Stat. 388), and within power-site reserves (Act of June 10, 1920, 41 Stat. 1063, 16 U.S.C. 791). These lands are not covered by any non-Federal right or claim other than permits, leases, rights-of-way, and unreported mining claims.

b/ Data are not complete.

c/ Does not include reclamation or forest homesteads.

d/ Includes 17,208 acres undistributed by States

e/ Estimated

Section 14 authorizes the sale to the highest bidder of isolated or disconnected tracts or parcels of the public domain and certain tracts of rough or mountainous land.

Section 15 authorizes the leasing of vacant, unappropriated, and unreserved public lands outside of grazing districts.

Alaska's 270,000,000 acres of vacant public lands (see Table 4) are subject to entry, location and settlement or sale under the public land laws without prior classification or opening to entry as in the United States. They are likewise subject to prospecting, locating, and leasing or patenting under the mining or mineral leasing laws.

Withdrawn and Reserved Lands

The Purpose:

Some public land laws provide for disposal of public lands into private ownership, while others prescribe that certain lands be retained as Federal lands for public use and development. To a greater or lesser degree, therefore, the purpose of land withdrawals is to except specific lands or lands and minerals from the effect of the disposal laws and to set those lands aside for a public use or purpose.

Meaning and Effect:

The terms "withdrawals" or "reservations" have different connotations in public land nomenclature. The term "withdrawal" suggests "removing lands from the operation of the disposal laws," and thus making them unavailable for private appropriation; while the term "reservation" implies the "segregation and dedication of lands either immediately or prospectively for some specific public use or purpose." In common usage, the two terms are used interchangeably.

Withdrawals may bar all uses of the land or they may bar some and allow others. They may allow secondary uses which are compatible with the primary purpose of the withdrawal, as where grazing is allowed to continue on lands withdrawn for military use or where issuance of oil and gas leases is permitted on lands reserved for a game range.

The words "temporary" and "permanent" are frequently used in the designation of a withdrawal. These terms appear to have more meaning with reference to the purpose of the withdrawal than they do in relation to time. A withdrawal and reservation of lands in fulfillment of a responsibility of the executive branch of the Government, such as providing for a post office, lighthouse, or a military post is said to be permanent, even though in fact the use may be known to be of limited time or duration. A temporary withdrawal is usually one that is made pending further action by a federal agency or Congress on a program or project proposal involving lands which sometimes may take a long time, but, nevertheless, presupposes the eventual restoration of the land to entry under the public land laws.

The Permissive Authority:

Withdrawals are made under four major bases of authority. First is the implied authority of the Executive. The power of the President to withdraw by Executive Order portions of the public domain from disposal under the public-land laws and to reserve them for public use in order to serve the public interest of the nation has been long recognized in the Congress and upheld in the Courts. In the famous case of the United States v Midwest Oil Company (326 U.S. 459,474) the Supreme Court rendered the opinion that although Congress has control over the public domain, the power of withdrawal is a power that may be exercised by the Executive as agent in charge through long continued practice acquiesced in by the Congress.

This broad implied authority was delegated to the Secretary of the Interior by Executive Order No. 9146 of April 24, 1942 and Executive Order No. 9337 of April 24, 1943, and lastly, by Executive Order No. 10355 of May 26, 1952, under which current withdrawals are being made.

This latter order removed the requirement that withdrawal orders be cleared through the Attorney General and the Bureau of the Budget, and specified that all withdrawals made under its authority should be designated as "public-land orders."

The second basis for current withdrawals is the Act of June 25, 1910, (36 Stat. 847; 43 U.S.C. 141--143) as amended by the Act of August 24, 1912 (37 Stat. 497, 43 U.S.C. 142). This Act authorizes the President temporarily to withdraw any of the public lands for water power sites, irrigation, classification of lands, or other public purposes. It may be noted here that while withdrawals made under the Act are termed "temporary," the Act specifies that they shall remain in force until revoked by the President or by an act of Congress. Lands included in withdrawals made under the authority of this act are at all times open to location under the mining laws as they apply to metalliferous minerals. This authority has also been delegated to the Secretary by the delegation order noted above.

The third category includes withdrawals made under various Congressional acts establishing particular fields of activity, an example of which is the authority given by Congress to the Secretary of the Interior to make reclamation withdrawals.

The fourth category of withdrawals is represented by those created by special acts of Congress which withdraw designated areas for specific purposes. These withdrawals continue until such time as Congress acts to revoke them.

Thus, there is broad-scale authority for administering and managing Federal land resources in the public interest. There is a way of shifting public lands from one major type of land use or form of land tenure to another. There is a means by which land can be set aside for conservation purposes or for development under a public land program. Lands may be set aside to preserve their beauty and provide recreation areas. Multiple land use maybe practiced, as where range and forest use, watershed protection, mining and oil developments, and wildlife and recreation needs are found to be compatible in the same area of public lands.

Management Policies

In considering withdrawal requests by various governmental agencies or withdrawal suggestions from individuals and groups or in reviewing the status of present withdrawals or reservations, it is the policy of the Department of the Interior to (1) keep all withdrawals to the minimum required to serve the public interest, (2) maximize the use of withdrawals consistent with their primary purpose, and (3) eliminate all withdrawals that are no longer needed for a public purpose.

Present Withdrawal Procedure

Withdrawal procedures under the delegated authority of the President are set forth in detail in Departmental Circular No. 1830, which is carried forward into 43 C.F.R. 295.9 through 295.11. Administratively, they are carried out in accordance with the Bureau of Land Management Manual, Volume V, Part 4.

Except for the Bureau of Reclamation's program, withdrawals under these procedures are presently effected in the following manner:

1. The head of a requesting agency may file application for a withdrawal with the local land office of the Bureau of Land Management, Department of the Interior. A filing and the noting of the tract book records as prescribed has the effect of temporarily segregating such lands from all forms of entry or disposition under the public lands laws "to the extent that the withdrawal * * * if effected, would prevent such forms of disposal" (43 C.F.R. 295.10).

2. Applications are required to contain among other things: name of agency; description and acreage of land requested; purpose of the request (except where classified for national security reasons); need for all the lands requested; and whether the withdrawal should preclude grazing, mineral leasing, and mining locations on the affected lands.

3. Nationally, notice is given by Federal Register publication, and locally through press releases by BLM State supervisors.

4. The Bureau of Land Management may, in its discretion, afford the public an opportunity to oppose or support an application by public hearing, before submitting a report and recommendations to the Secretary of the Interior.

5. If the Secretary determines that the withdrawal should be made, he issues a public land order to that effect, which is published in the Federal Register.

6. If the Secretary of the Interior objects on behalf of his own Department, or is unable to reconcile the wishes of a Department opposing the request to another Department, the matter is referred to the Bureau of the Budget for settlement.

The segregation of lands effected by an application for withdrawal, is not a withdrawal, although it has much the same effect. The chief difference is that other applications for such segregated lands are suspended pending final action upon the withdrawal application, whereas applications for withdrawn lands to the extent that they conflict with the purpose of the withdrawal, are rejected.

Reclamation Withdrawals

The areas withdrawn from appropriation and entry under the public land laws for the Bureau of Reclamation total 9,845,395 acres in the United States and 5,132 acres in Alaska. Reclamation lands are withdrawn under the authority of the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416).

Reclamation withdrawals are of two types, i.e., "first form" and "second form." The first form withdrawals embrace lands which may be needed in the construction and maintenance of irrigation projects. The second form withdrawals include lands which are believed to be susceptible of irrigation from a reclamation project. In present-day practice all withdrawals are of the first form.

The withdrawn lands not needed for construction purposes and for which water has been made available are platted from time to time as farm units and opened to homestead entry.

A first form withdrawal removes the lands from the operation of the mining laws; a second form withdrawal does not (35 L.D. 216). The Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), authorizes the Secretary of the Interior, in his discretion, to open to location, entry and patent under the general mining laws, with reservation of rights-of-way and easements, public lands which are known or believed to contain valuable mineral deposits

which are withdrawn from development and acquisition under the first form of reclamation withdrawal.

The Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U.S.C., sec. 226), as amended by the Act of August 8, 1946 (60 Stat. 95), applies to all public lands and reservations such as reclamation withdrawals unless otherwise provided by law or by the withdrawal order creating the reservation.

Lands in reclamation withdrawals may be applied for and disposed of under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended by the Act of June 8, 1954 (68 Stat. 239, 43 U.S.C. 682a) and the Recreation and Public Purpose Act of June 14, 1926 (44 Stat. 741), as amended by the Act of June 4, 1954 (66 Stat. 173, 43 U.S.C. 869).

The Act of December 21, 1928 (45 Stat. 1063; U. S. C. 617) authorizes the Secretary of the Interior to withdraw all lands of the United States found to be practicable of irrigation and reclamation by the Boulder Canyon Project. On June 30, 1955, 889,148 acres were still withdrawn under that Act.

In order to aid the public land states in the reclamation, settlement, and cultivation of desert lands, the Carey Acts of March 15, 1910 (36 Stat. 237) and August 18, 1934 (28 Stat. 422; 43 U.S.C. 641) authorized the Secretary of the Interior to withdraw up to 1 million acres of public land in each state for subsequent grant to the state upon its application in behalf of settlers who could irrigate, reclaim, and occupy them. The laws provided that the settlement had to be accomplished before the grants and individual deeds were made. In the case of unsurveyed lands, the Secretary was authorized to segregate the lands pending investigation and survey for the same purposes. By June 30, 1955, all withdrawals under the Carey Act

had been revoked, but there were 3,897,860 acres of Carey Act lands still segregated and not included in reclamation withdrawals listed in Table 3.

Indian Reservations

Lands designated for the use and benefit of Indians in the United States consist mainly of 559,568 acres acquired through treaties with the Indians and reserved by treaty stipulation, acts of Congress, or Executive Order, and 55,188,394 acres of public domain lands allotted to the Indians and held by them under trust patents. In Alaska 93,968 acres of public domain have been allotted to natives and held by them under trust patents. The foregoing totals were computed as of June 30, 1955. In addition, 647 acres of public domain in the United States, and 4,016,590 acres in Alaska have been temporarily or permanently withdrawn for the Indians by orders of the Secretary of the Interior or by Executive or Public Land Orders.

Section 2 of the Act of May 25, 1918 (40 Stat. 570) prohibits the creation of any Indian reservation within the limits of the States of New Mexico and Arizona except by Act of Congress; section 4 of the Act of June 30, 1919 (41 Stat. 34; 43 U.S.C. 150), prohibits the withdrawal of any public lands by Executive Order, proclamation, or otherwise, for or as an Indian reservation, except by act of Congress; and Section 4 of the Act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), prohibits changes in the boundaries of Indian reservations except by act of Congress. The act last mentioned contains a proviso that the "prohibition shall not apply to temporary withdrawals by the Secretary of the Interior."

In all cases where any tribe or band of Indians has been located upon any reservation created for its use, the Secretary of the Interior may, if the lands can be advantageously utilized for agricultural or grazing

purposes by such Indians, allot in severalty the lands to each Indian located thereon, if it would be for their best interest, in units not to exceed 80 acres of agricultural or 160 acres of grazing lands (Act of February 8, 1887, as amended by Act of February 28, 1891, as amended by Act of June 25, 1910.)

The laws under which allotted and unallotted Indian lands may be leased or sold are set forth in 25 U.S.C., Chapter 12. These lands generally are not subject to lease or disposition under any of the public land or mineral laws.

By Act of March 3, 1891, the Annette Islands in southeastern Alaska were reserved for the use of the Metlakatla Indians who had recently emigrated from British Columbia and such other Alaskan natives as might join them (26 Stat. 1101; 48 U.S.C. 358).

The Act of May 1, 1936, (49 Stat. 1250; 48 U.S.C. 362) authorizes the Secretary of the Interior to designate as an Indian reservation any area of land which has been set apart for use and occupancy of Indians or Eskimos by the Act of June 6, 1900 (31 Stat. 330; 48 U.S.S. 356) as schools or missions.

Areas Administered By The National Park Service

The lands included in national parks, national monuments and other areas of the National Park System have been reserved or acquired to conserve natural and historic areas and objects and provide for their use in a manner which will leave them unspoiled for the present and future enjoyment of all people. Such areas are administered pursuant to basic authority contained in the Act of August 25, 1916 (39 Stat. 235, 16 U.S.C. 3). There are 14,899,090 acres reserved for this purpose in the United States and 6,907,368 acres in

Alaska. Of the total in the United States, 11,635,316 acres are reserved from the public domain and 3,263,774 acres are acquired, while in Alaska all such lands are set aside from the public domain.

National parks have been created only by acts of Congress. The first, Yellowstone National Park, was reserved by the Act of March 1, 1872. The Act of June 8, 1906 (34 Stat. 225; 16 U.S.C.431--433) authorized the President by proclamation to create national monuments upon lands that are owned by the United States which have on them historic and pre-historic structures and other objects of historic or scenic interest; however, on occasions national monuments have been created by special acts of Congress. Other types of areas administered by the National Park Service and established pursuant to special acts of Congress or pursuant to the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461--467) are: national historical parks, national military parks, national memorial parks, national battlefield parks, national historic sites, national memorials, national cemeteries, national parkways, and a national seashore recreational area. In addition the National Park Service administers some recreation areas, such as the Lake Mead Recreational area, pursuant to cooperative agreements with the Bureau of Reclamation which has primary jurisdiction over the areas.

The areas comprising the National Park System are not subject to the operation of any of the public land laws, except such laws as have been specifically extended thereto. The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) authorizes the sale of timber in parks, monuments, and reservations administered by the National Park Service where necessary to control

the attacks of insects or diseases or otherwise to conserve the scenery or natural or historic objects. It also permits the use of these lands, except in Yellowstone National Park, for grazing livestock when this would not be detrimental to the primary purpose of the reservation.

The Act of March 3, 1921 (41 Stat. 1353; 16 U.S.C. 797), provides: "That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress."

Subject to the restriction contained in the act of March 3, 1921, rights-of-way across national parks and national monuments may be granted as provided by the Acts of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), and March 4, 1911 (36 Stat. 1253; 43 U.S.C. 951), for the purposes specified in these acts. The principal purposes for which rights-of-way are now granted across national parks and national monuments are for telephone and telegraph purposes and water pipe lines.

The Act of August 25, 1916 prohibits prospecting and mining on Federally owned lands in the areas comprising the National Park System. There are certain exceptions, however. Congress has specifically authorized mining in Mount McKinley National Park by the Act of February 26, 1919 (39 Stat. 938; 16 U.S.C. 350); Glacier Bay National Monument by the Act of June 22, 1936 (49 Stat. 1817); Organ Pipe Cactus National Monument by the

Act of October 27, 1941 (55 Stat. 745; 16 U.S.C. 450z), and Death Valley National Monument by the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447). The acts of Congress opening those areas to mining require that surface use of mining locations shall be subject to regulations prescribed by the Secretary. The Lake Mead National Recreational Area administered under a cooperative agreement with the Bureau of Reclamation is also open to mining.

The Congress has enacted a number of laws intended to eliminate private holdings from national parks and national monuments. Regulations governing exchanges which involve such holdings are contained in 43 CFR, Part 150.

National Wildlife Refuges and Game Ranges

The national wildlife refuge system has been developed over a great many years through the efforts of sportsmen, conservation organizations, and government agencies. There are 8,062,542 acres reserved for the purpose in the United States and 7,280,621 acres in Alaska. Of the total in the United States, 5,310,464 acres have been reserved from the public domain, and 2,752,078 acres acquired, while in Alaska 7,280,620 acres have been reserved from the public domain and only 1.3 acres acquired.

The first refuge, on Pelican Island in Florida's Indian River, was created by Executive Order of President Theodore Roosevelt on March 14, 1903. Most of the refuges for protection of birds, game and mammals established prior to 1929 were created either by special acts of Congress or by Executive Orders. Among the earliest big game reserves, the National Bison Range was created in 1908 (35 Stat. 267), the National Elk Reserve in 1912 (37 Stat. 293), and the Sullys Hill National Game Reserve in 1914 (38 Stat.434).

Among the earliest game bird refuges, Congress authorized the acquisition and establishment of the Upper-Mississippi Wildlife and Fish Refuge in 1924 (43 Stat. 650), the purchase and development of the Bear River Wildlife Refuge (Utah) in 1928 (45 Stat. 448), and acquisition and maintenance of the Cheyenne Bottoms Migratory Bird Refuge in 1930 (46 Stat. 579).

The foundation of the present migratory bird refuge system was established on February 18, 1929 with passage of the Migratory Bird Conservation or Norbeck-Andreson Act (45 Stat. 1222; 16 U.S.C, 715-715d, 715e, 715 f-715k, 715L-715r), which provided not only the authority to establish the system but furnished continuing authorization for a period of years for the purchase of land. The refuges consist not only of acquired lands but also public lands found suitable and necessary for such purposes. Since 1935, the Hunting-Stamp Tax has provided further funds for the acquisition and development of land and for the maintenance of refuges. This now provides the principal source of funds for the acquisition of lands by purchase.

Maintenance of wildlife is also provided for in the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, as amended 43 U.S.C. 315-315r), implemented by the general order of withdrawal made by Executive Order No. 6910 of November 26, 1934 and No. 6964 of February 5, 1935, as amended. In each grazing district, sufficient forage on Federal range lands must be provided by the Bureau of Land Management through consultation and advice of the Fish and Wildlife Service, for the feeding of a reasonable number of wild game animals in common with livestock grazing. It is estimated nearly 1 million big game animals used grazing district lands in the year preceding June 30, 1955. When proper use of the Federal range or orderly

administration of the act requires it, certain areas may be reserved as game ranges or wildlife refuges for use by wildlife under concurrent administration of the Fish and Wildlife Service and the Bureau of Land Management.

The Migratory Bird Conservation Act was amended by the Act of June 15, 1935 (49 Stat. 381, 16 U.S. 715d-1, 715d-2) to permit the Secretary of the Interior, in his discretion, to accept private lands chiefly valuable for wildlife refuge use in exchange for lands acquired for like purposes or for equal value of timber or other products, or for surveyed or unsurveyed, unappropriated, and unreserved non-mineral public lands of the United States.

Executive Orders of recent years have established five game ranges in the United States as follows:

Executive Order 7373 - Desert Game Range - Nevada

Executive Order 7509 - Fort Peck Game Range - Montana

Executive Order 7522 - Sheldon National Antelope Range - Nevada

Executive Order 8038 - Cabeza Prieta Game Range - Arizona

Executive Order 8039 - Kofa Game Range - Arizona

Executive Order 8979 - Kenai National Moose Range - Alaska

The terms of the Executive Orders which established these game ranges generally provide for the withdrawal of the lands from settlement locations, sale, or for their reservation for the conservation and development of wildlife and the improvement of forage resources. They do not restrict prospecting, location, mining, leasing, or patenting of mineral resources within the reserves. The latter provision, in general, differentiates the game ranges from wildlife refuges.

The Kenai National Moose Range in Alaska, while designated as a game range, is in effect a wildlife refuge, however. The Executive Order which withdrew the lands does not permit prospecting, locating, mining, leasing, or patenting of mineral resources within the reserve, except in a strip six miles in width along the shore of Cook Inlet. This strip is also open to settlement location or entry under the public land laws.

Certain public lands have been withdrawn by the President and reserved under the jurisdiction of the Department of the Interior for use by the States in connection with refuges in which the lands have been acquired by the States concerned with funds allotted to them under the provisions of the Federal Aid to Wildlife Restoration Act of September 2, 1937 (50 Stat. 917; 16 U.S.C. 669-669j).

Section 10 of the Migratory Bird Conservation Act (45 Stat. 1224; 16 U.S.C. 715i), provides for inviolate wildlife sanctuaries. It specifies that no person shall occupy, use, or enter upon for any purpose any area of the United States theretofore or thereafter set apart or reserved under any law, proclamation, or Executive Order for the use of the Department of the Interior as a game refuge or as a preserve or reservation or breeding ground for native birds, except in accordance with regulations of the Secretary of the Interior. Any occupancy of such lands, for mining or other purposes, may therefore be made only with the permission of the Secretary of the Interior.

Report No. 1941 of the Committee on Merchant Marine and Fisheries of the House of Representatives of the 84th Congress entitled "Preservation of National Wildlife Refuges" has categorized the "national wildlife refuges" as follows:

(1) Public lands withdrawn for sole administration by the Fish and Wildlife Service - Example: National Wildlife Refuges; (2) public lands withdrawn for joint administration by the Fish and Wildlife Service and other agency or agencies - Example: National Game Ranges; (3) public lands withdrawn for primary administration by one agency and secondary administration by the Fish and Wildlife Service - Example: Wildlife withdrawal placed over Reclamation withdrawal and subordinated to the Reclamation withdrawal; (4) private lands acquired by the Fish and Wildlife Service - Example: Migratory Bird Refuges; (5) lands acquired from private ownership for various Federal programs and subsequently made available for wildlife among other purposes - Example: Lands acquired by the Corps of Engineers for flood control or TVA lands; (6) lands in private ownership utilized for wildlife purposes pursuant to leases or easements obtained from the private owners.

In addition to the lands covered within the above categories, there are about $2\frac{1}{2}$ million acres of federally owned lands being managed by states under cooperative arrangements with the Fish and Wildlife Service. Most of these lands are withdrawn and administered under the Federal Wildlife Conservation and Rehabilitation Act of March 10, 1934, which was amended by the Act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U.S.C. 661--666c) often referred to as the Coordination Act. Where the state has not acquired lands with funds provided under the original act, the lands are withdrawn and administered under the Coordination Act.

This Act partially reads as follows: "In order to promote effectual planning, development, maintenance, and coordination of wildlife conservation and rehabilitation in the United States, its Territories and possessions, the Secretary of the Interior, through the Fish and Wildlife Service, is authorized to provide assistance to, and cooperate with Federal, State and public or private agencies and organizations in the development, protection, rearing and stocking of all species of wildlife, resources thereof, and their habitat."

Letters of agreement and understanding between the Committee on Merchant Marine and Fisheries and the Secretary of the Interior consummated at the end of an investigation of the wildlife refuge system by the Committee on Merchant Marine and Fisheries of the House of Representatives of the 84th Congress conclude that each proposed disposal of any interest which the Fish and Wildlife Service has in any lands under its jurisdiction should be submitted to that Committee for consideration. Thus, ensuing public land orders will specifically state what the land interest of the Fish and Wildlife Service will be and what land interests are reserved for administration and management under the public land and mineral laws.

The Federal Range Lands

The Federal range includes those arid and semiarid lands that remained after homesteading and other forms of land settlement had culled out the more-preferred public domain lands. These lands are now maintained under organized management to preserve their productivity and lessen their erodibility. The Taylor Grazing Act of June 28, 1934 under which they are managed, set this aim: "To stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes." There are 142,403,429 acres of public domain lands within grazing districts administered by the Bureau of Land Management.

To qualify as a preference applicant for a grazing permit in a district the applicant must have base or ranch property which was used in connection with livestock operations on the public lands during a certain period preceding establishment of the district, and he must be engaged in livestock operations that are established and continuing, and which normally involve a substantial use of the public lands in a regular, continuing manner each year. The extent of the grazing privileges allowable to each preference applicant within the proper stocking capacity of the Federal range is generally measured or limited by two factors: (1) the production from the base properties used by the permitted livestock, and (2) the number of livestock grazed on the range during the priority period, whichever is the lesser. Livestock operators on the Federal range pay both a grazing fee and a range improvement fee.

The Taylor Grazing Act provides for wildlife on the Federal range. Over a million big game animals make use of forage on grazing district lands and forage is reserved for wildlife in allocating use of the Federal range.

Oregon and California Revested Lands

The Oregon and California Revested Lands in western Oregon, commonly referred to as "O and C" lands, comprise an organized timber management area under the jurisdiction of the Bureau of Land Management. These lands, included under "reserved lands" in Table 4, were originally granted to the Oregon Central Railroad Companies (later the Oregon and California Railroad Company) to aid in the construction of railroads under the Act of July 25, 1866, as amended (14 Stat. 239; 16 Stat. 47.94). For failure to comply with the terms of the grant, they were forfeited to the Federal Government by the Act of June 9, 1916 (39 Stat. 218), and by judicial decree, see U.S. v. Oregon and California Railroad Company, 238 U.S. 393. Owing to the nature of the grant, these lands are largely alternate sections interspersed with privately owned forest and national forest lands. The remaining O & C lands total 2,072,586 acres extending through the heart of the greatest remaining forest of Douglas-fir timber in the United States.

An additional 462,623 acres of controverted Oregon and California revested lands, which lay within the indemnity limits of the original grants and which became incorporated within the exterior boundaries of certain national forests, were placed under the jurisdiction of the Secretary of Agriculture to be administered as national forest lands, under the provisions of the act of June 24, 1954. That act provided that all revenues thereafter and heretofore derived from such lands be disposed of

in accordance with the provisions of Title II of the act of August 28, 1937 (50 Stat. 874), as amended. Some 29,721 acres of O&C watershed lands are administered by the Forest Service. The proceeds from any timber sales are deposited to the O&C account.

The Coos Bay Lands, loosely considered as part of the O&C lands, are public lands in western Oregon granted under the provisions of the Act of March 3, 1869 (15 Stat. 340) to the State of Oregon to aid in the construction of the Coos Bay Military Wagon Road. These two were forfeited and returned to the Federal Government by reconveyances under the Act of February 26, 1919 (40 Stat. 1179). As of June 30, 1955, Coos Bay Lands aggregated 74,084 acres.

Management of the O&C revested lands is governed by the provisions of the Act of August 28, 1937 (50 Stat. 874). The primary objectives of this Act are to provide a continuous source of timber supply to be cut and removed in conformity with sustained yield principles, and to place the administration of these lands on a self-sustaining financial basis. While the overall aim is timber production, other uses of the lands are permissible.

Stock Driveways

Stock driveway reservations were created for free public use in moving livestock to summer and winter ranges or shipping points and to insure public access to various watering places on the Federal range under authority of section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300). Altogether over 3,000,000 acres of public domain lands are reserved and administered by the Bureau of Land Management for this purpose. (This acreage is included under "reserved lands" in Table 4). Many of the stock driveways within grazing districts have been discontinued as movement of livestock is provided for under a permit system.

The law provides that the stock driveways may not be more than 1 mile wide for driveways less than 20 miles long; 2 miles wide for driveways between 20 to 35 miles long; and 5 miles wide for driveways over 35 miles long; and that all stock transported over the driveways must be moved an average of not less than 3 miles per day for cattle and horses.

Originally the lands in stock driveway reservations were withdrawn from disposition under the mining laws, but not from the mineral-leasing laws. The Act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300) changed the 1916 laws to provide that the withdrawals should not apply to deposits of coal and other minerals. The regulations issued under the Act generally provide that all prospecting and mining operations shall be so conducted as to cause minimum interference and hazard to use of the surface of the land for stock driveway purposes (43 CFR 185.35).

Water and Power Reserves

The public domain involved in water reserves of all types embraces an estimated 813,400 acres while that in power reserves of all types involves about 6,426,000 acres. These acreages are included under "reserved lands" in Table 4.

The water reserves include public domain areas under jurisdiction of the Bureau of Land Management set apart as follows:

1. Public water reserves (about 485,000 acres) and reservoir sites (about 325,000 acres) are established under the Act of June 25, 1910 (36 Stat. 847) as amended by the Act of August 24, 1912 (37 Stat. 497 - 143)

The acreage of land involved in such reserves cannot be exactly determined since the Executive Order of April 17, 1926 reserved all water holes or reservoir sites needed and used by the public and no effort has been made to identify all of them on the records of the Land Offices.

2. Well-drilling reserves are established under authority of the Act of June 12, 1917 (40 Stat. 145). They comprise 120 acres.

3. Public water reserves are also established on lands upon which water is struck during oil and gas drilling operations under authority of Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181), as amended (48 Stat. 977). They involve 3,280 acres.

The power reserves include public domain areas set aside under full or partial jurisdiction of the Bureau of Land Management as follows:

1. Power site classification reserves are established under authority of the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31). They encompass 2,400,000 acres.

2. Power site designations are authorized under the Arizona and New Mexico Enabling Act of June 30, 1910 (36 Stat. 557), the Oregon and California Railroad Revestment Act of June 9, 1916 (39 Stat. 218), and the Coos Bay Wagon Road Reconveyances Act of February 26, 1919 (40 Stat. 1178). They involve 1,039,000 acres.

3. Power site reserves are established under authority of the Act of June 25, 1910 as amended (36 Stat. 847; 37 Stat. 497; 43 U.S.C. 141-143). They comprise 2,464,000 acres.

4. Indian power or reservoir reserves are established on Indian reservations under authority of the Act of June 25, 1910, as amended (36 Stat. 585; 43 U.S.C. 148). They comprise 273,000 acres.

5. Power project reserves are established on any public lands included in any proposed project filed under the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) until otherwise determined by the Federal Power Commission or by act of Congress. The acreage involved has not been compiled but there are about 250,000 acres under power project licenses.

In considering the power reserve acreages cited above it is necessary to bear in mind that the reservations generally lie within national forests. In general, therefore, the lands are also reported as part of the national forest lands. The acreage within power reserves under the exclusive jurisdiction of the Bureau of Land Management has not been compiled.

The lands included in power reserves are governed by section 24 of the Federal Power Act of June 10, 1920, as amended (41 Stat. 1063; 16 U.S.C. 791), which provides:

"Any lands of the United States included in any proposed project under the provisions of this Part shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.* * *" The above-quoted section also provides that whenever the Commission shall determine that the value of any lands withdrawn or classified for power purposes will not be injured or destroyed for

the purposes of development by location, entry or selection under the public-land laws, the Secretary of the Interior shall declare such lands open to location, entry or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy and use such lands for power purposes.

Under Section 24, the lands in all power reserves created under any act were withdrawn from all forms of appropriation under the public land laws unless specifically restored or made subject to the provisions of Section 24. Public Law 359 of August 11, 1955 (69 Stat. 681), however, opened all power site reserves, except power project reserves, to mining location.

On February 16, 1937, the Federal Power Commission made a general determination which permits, under certain conditions, the grazing use of public lands reserved for power purposes (43 CFR 160.1 footnote).

Mineral Reserves

Public domain lands containing coal, helium, oil shale, petroleum, phosphate and potash have been withdrawn for classification by the Department of the Interior. Approximately 48,184,000 acres are included in the various mineral withdrawals. The acreage in mineral withdrawals are not shown in the accompanying tables since such withdrawals do not preclude disposal of title to the surface of the land under applicable public land laws. They also permit disposal of minerals in the lands under the mining and mineral leasing laws.

National Forests

The Nation owns 167,479,752 acres of land in national forests in the United States and 20,741,069 acres in national forests in Alaska. There are national forests in thirty-eight States and in Alaska and Puerto

Rico and there are purchase units which may some day become national forests in two other States. Within the outer boundaries of the national forests, including lands in all forms of ownership, there are nearly 230 million acres of land.

The origin of national forests dates back to March 3, 1891 when Congress passed an act (26. Stat. 1103; 16 U.S.C. 475) that empowered the President by proclamation or Executive Order to set aside forest reserves. Section 1 of the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 475) which is the basic law for the administration of national forests, operated as a limitation on the power of the President to create forest reserves as it provides that "no public forest reservation shall be established, except to improve and protect the forests within the reservations, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."

Further restrictions on the power of the President to create national forests were subsequently enacted by the Congress. No national forest may be created and no additions to forests created prior to specified dates may be made by the President in the States of Arizona, California, Colorado, Idaho, New Mexico, Oregon, Washington, and Wyoming (Sec. 2, Act of June 25, 1910, 36 Stat. 847, as amended, 16 U.S.C. 471; and the Act of June 15, 1926, 44 Stat. 745, 16 U.S.C. 471a). The foregoing provisions formerly applied to the State of Montana but in effect were eliminated by section 1 of the Act of July 20, 1939 (53 Stat. 1071; 16 U.S.C. 471b), which authorizes the President, in his discretion, to add to existing forests, or to include within new forests by proclamation or Executive Order, any unappropriated public lands of the United States situation in the State of Montana which,

in his opinion, are chiefly valuable for the production of timber or the protection of watersheds.

Since the only large areas of public land left in 1891, when withdrawal of forest reserves were authorized by Congress, lay in the Western States, and as the value of permanent forest reserves was evident and their need realized also in the Eastern States, the Weeks Law was enacted on March 1, 1911, (36 Stat. 962; 16 U.S.C. 516) to authorize purchase by the Federal Government of lands necessary to the protection of the flow of navigable streams. The Clark-McNary Act of June 17, 1924, (43 Stat. 655; 16 U.S.C. 570) enlarged the Weeks Law to enable purchase of lands on the watersheds of navigable streams for timber production. Most of the national forests east of the Mississippi River have been established under these laws. Table 3 reveals that in the Eastern States the national forests comprise 19,644,307 acres of acquired land and only 2,606,829 acres of public domain land.

Procedure for the establishment of national forests from the public domain, by the submission of reports to Congress, is contained in section 8 of the Act of June 7, 1924 which provides "That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911, and if the Commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for

irrigation, or will promote a future timber supply, the President shall lay the findings of the Commission before the Congress of the United States." The National Forest Reservation Commission is composed of the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, two members of the Senate selected by the President of the Senate, and two members of the House of Representatives selected by the Speaker.

Section 1 of the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 477), contains provisions under which free use permits may be issued for the use of timber and stone in national forests by settlers, miners, residents and prospectors for minerals, for specified purposes, and section 2 of the Act (16 U.S.C. 478) authorizes the prospecting, locating, and developing of the mineral resources of the lands. In view of the provision last mentioned, the lands in national forests are subject to location and entry under the general mining laws. The lands are also subject to leasing as provided by the mineral leasing acts and to homestead entry as provided by the Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506-509).

The lands in national forests are under the jurisdiction of the Department of Agriculture except as to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, and patenting of the lands (Act of February 1, 1905, 33 Stat. 628; 16 U.S.C. 472). These activities have been excepted from the jurisdiction of the Department of Agriculture and are under the jurisdiction of the Department of the Interior.

The Acts of May 29, 1928 (45 Stat. 956) and April 20, 1936 (49 Stat. 1234) which withdrew certain lands in the Angeles and Los Padres National Forests from mining locations and entries in aid to watershed reforestation and water conservation, provide also that the President, upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may by Executive Order, when in his judgment the public interest would be served thereby, and after reasonable notice has been given through the Department of the Interior, restore any of the withdrawn lands in these forests to location and entry under the mining laws.

Principally since 1950, certain areas of national forest lands have been withdrawn from all forms of appropriation under the public laws, including the mining but not the mineral-leasing laws and reforestation laws, for use of the Forest Service in order to protect administrative and recreational areas, and roadside zones or strips from mining locations. It is believed in the Department of the Interior that "...withdrawal of land for a useful purpose provided for by law is not inconsistent with the provisions of law which continue the operation of the mining laws on national forest lands. The necessity for using some of the land for administrative purposes is manifest. The authority for using other parts of the land for recreational purposes could not be properly exercised if lands believed to be nonmineral and improved for that purpose continued to be subject to prospecting. Since the total area of all administrative and recreation sites is extremely small when compared to the total forest area and since the maintenance of the latter is in the public interest, any conflict between the laws should be resolved in favor of making the withdrawals." (Unpublished memorandum by Director of the Bureau of Land Management dated July 24, 1950).

May 7, 1957

Under present policy and agreements, it is now the practice of the Forest Service and the Bureau of Land Management to separately justify each proposed withdrawal for a decision on its own merits, and to hold public hearings when deemed appropriate.

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The rules and regulations governing the use of lands in national forests, including the use of the timber, grazing, and wildlife resources, thereof, are contained in 36 CFR, Chapter II.

Military Reservations

The lands included in Army, Air Force, and Navy reservations have been set apart from the public domain or acquired by purchase, donation, transfer, or otherwise for defense purposes. There are 21,459,273 acres reserved for military use in the United States, and 26,946,335 acres (exclusive of acquired lands) in Alaska. Of the total in the United States, 13,651,040 acres were reserved from the public domain and 7,808,232 acquired, while in Alaska 26,946,335 acres were set aside from the public domain and a small additional but unknown acreage was acquired.

Most of the military public land holdings consist of reservations used for bombing, gunnery, rocketry, and missile testing ranges and military bases, maneuver areas, and survival test sites. In Alaska the acreage shown in Table 3 under the jurisdiction of the Navy, includes 23,000,000 acres in an oil and gas reserve under joint administration with the Department of the Interior. The military departments have from time to time, even in recent years of peace, applied for the withdrawal of large areas of public lands for use in carrying out their responsibilities and functions. Technological advances in weapons and changes of methods of warfare in even just the post war years have greatly altered military land requirements and dictated the reshaping or expansion of existing reservations or creation, in some instances, of new reservations. Nearly 63 percent of the total lands in military reservations in the United States lie in the State of Nevada, Utah, Arizona

and California, which States are among those having the largest acreages of public domain. The areas reserved for military purposes have been set apart from the public lands almost entirely by Presidential proclamation or by Executive Order or public land order. The reservations which have been established by proclamation of the President may be divided into two groups: (1) those issued by the President under his implied authority, and (2) those issued by the President pursuant to statutory authority. Withdrawals have been made in a few cases under the authority contained in the act of June 9, 1918 (49 Stat. 848; 10 U.S.C. 1341) which provides: "That by order of the President any Government property or unappropriated or reserved public lands may be reserved from entry, designated, and used for * * * aviation stations or fields for testing and experimental work * * *."

The public lands in military reservations, generally speaking, are not subject to the operation of any of the public-land laws except the mineral leasing laws. In order to determine whether particular reservations are subject to the operation of the mining or other laws, consideration must be given to the provisions of the particular orders and also to the applicable laws, regulations and decisions.

In recent years an increasing concern has developed, particularly throughout the public land States and in Alaska, over the continued expansion of military reservations over public land areas. The House of Representatives of the 84th Congress acted favorably upon H. R. 12185 to provide "That withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress." The legislation was not acted upon by the Senate. In considering this bill

the House Committee on Interior and Insular Affairs initiated an investigation into the use of public lands for defense purposes to determine whether all of the public military reservations are needed and used, and whether or not it would be possible for the services to make joint use of the same facilities, thereby limiting their areas and number. The report of the Committee is Report No. 2856, House of Representatives, 84th Congress, 2nd Session.

On August 27, 1955, the Department of Defense promulgated a directive which will result in a complete review being made within each two years of all real property under control of the military departments. Under the terms of this directive no property may be retained without complete justification of a requirement for it. Reports of the studies made are provided to the Secretary of Defense. First reports were due on all properties under this directive in September 1956.

Civil Works Reservations of Corps of Engineers

The reservations under jurisdiction of the Corps of Engineers of the Department of the Army are in a different category than military reservations since they are in aid of a civil works program including such activities as waterways improvements, flood control, and power and irrigation development. There are 3,932,516 acres reserved for this purpose in the United States of which 491,481 acres are public domain lands and 3,441,035 acres are acquired lands.

The same basic authorities are utilized in withdrawing and reserving land for the civil works program of the Corps of Engineers as is used in withdrawing and reserving land in connection with military defense programs of the Department of Defense.

Tennessee Valley Authority Lands

The Tennessee Valley Authority, a corporation created by the act of May 18, 1933 (48 Stat. 58; 16 U.S.C. 831-831dd) to provide for the development of the Tennessee River and its tributaries in the interest of navigation, the control of floods, and the generation and disposition of hydroelectric energy, owns 749,837 acres of land.

Practically all of the land owned by TVA was acquired in connection with construction of its series of reservoirs. About 485,000 acres of this land lie above the normal full-pool levels of the reservoirs.

The Corporation may cause condemnation proceedings to be instituted for the acquisition of any lands, easements, or rights-of-way necessary to carry out the provisions of its enabling act (16 U.S.C. 831x). The President of the United States is authorized to provide for the transfer to the Corporation the use, possession, and control of such real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the Corporation (48 Stat. 63; U.S.C. 831f).

Atomic Energy Commission Lands

The Atomic Energy Commission was established by the Atomic Energy Act of August 1, 1946 (60 Stat. 755, as revised by 68 Stat. 919; 42 U.S.C. 1801 et seq.) to provide for the development, use and control of atomic energy in making maximum contribution to the common defense and security and also promoting world peace, improving the general welfare, and increasing the standard of living. It controls 2,003,156 acres of land.

The land holdings of the Atomic Energy Commission consist of 1,179,745 acres of public domain lands and 823,411 acres of acquired lands. The withdrawals of public domain lands for the use of this Commission are made under the implied authority of the President.

Other Department Of Interior And Department Of Agriculture Lands

Department of the Interior

As seen in Table 3, Department of Interior bureaus and agencies other than those considered in detail above have jurisdiction over considerable acreages of public lands--namely, 34,238 acres in the United States and 33,525 acres in Alaska. In the States, the Bureau of Mines holds 12,600 acres of public domain as helium reserves and 13,358 acres of acquired lands for experimental areas, pilot plants, testing stations, and research laboratories. In Alaska it claims but a few acres of public domain for research purposes.

Two regional administrations concerned solely with marketing of power produced by Bureau of Reclamation and the Corps of Engineers, namely, the Bonneville and Southwestern Power Administrations, hold 8,259 acres, almost all being acquired lands. The Geological Survey, has jurisdiction over 22 acres of public domain for administrative site use in the United States. In Alaska, the Alaska Railroad uses 30,625 acres of public domain lands and 1,800 acres of acquired lands in connection with the operation of its rail services and the Alaska Road Commission administers 1,083 acres of public domain in connection with its road maintenance and construction program.

Department of Agriculture

In the Department of Agriculture, services and agencies other than the Forest Service have jurisdiction over 414,473 acres of public land in

the United States and 18 acres in Alaska (Table 3). In the States, the Agricultural Research Service holds 320,648 acres of public domain and 38,886 acres of acquired lands while in Alaska it possesses 16 acres of purchased lands for experimental farms, range management research stations, and soil and water conservation areas. The Soil Conservation Service in 1955 had jurisdiction over 27,480 acres of public domain land and 24,634 acres of acquired land in the United States and 2 acres of public domain land in Alaska for use in connection with developing and carrying out a permanent national soil and water conservation program. The Commodity Stabilization Service and the Office of the Secretary, respectively, possess 354 acres and 33 acres of acquired lands for various installations and The Farmers Home Administration 2,139 acres of such land in foreclosed loan properties.

Other Departmental and Agency Land Holdings

The areas shown in Table 3 as being under the jurisdiction of other agencies and bureaus consist of acquired lands and public domain lands mainly in temporary withdrawals under the authority of the Act of June 25, 1910.

Department of Commerce

The Department of Commerce has jurisdiction over 36,359 acres of land comprising 18,772 acres of public domain and 17,587 acres of acquired lands in the United States. In Alaska it has control over 81,615 acres of land comprised of 81,120 acres of public domain and 495 acres of acquired lands. In the States, the Civil Aeronautics Administration with a total of 26,999 acres of public lands comprising 18,598 acres of public domain and 7,400 acres of acquired lands is the largest land holder in the Department. Its lands are almost entirely used for airports and air navigation sites, the public domain lands for

the former being withdrawn under the authority of Section 16 of the Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115) and the latter under the authority of the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214). Except for 173 acres of public domain reserved for the Coast and Geodetic Survey, the remainder of the lands under the jurisdiction of Department of Commerce agencies is acquired lands - 4,906 acres for the Maritime Administration, 4,313 acres for the Bureau of Public Roads, 732 acres for the National Bureau of Standards, 400 acres for the Coast and Geodetic Survey, and 94 acres for the Weather Bureau -- principally for administrative site purposes.

In Alaska virtually all, if not all, of the public lands held by the Department of Commerce is under the jurisdiction of the Civil Aeronautics Administration for airport and air navigation sites.

Department of the Treasury

The Department of the Treasury has jurisdiction over 29,610 acres of public land in the United States of which 16,617 acres are public domain lands and 12,993 acres are acquired lands. All but 780 acres of this land (16,617 public domain and 12,214 acquired) are under the control of the Coast Guard and used primarily for providing navigational aids to maritime commerce and to transoceanic air commerce. In Alaska this Department has jurisdiction over 49,791 acres of public domain for the use of the Coast Guard.

Other Federal Departments

The Department of Health, Education and Welfare owns 4,338 acres of acquired lands in the United States. The Post Office Department controls 1,584 acres of which all but 7 acres is acquired lands. The Department of Justice has 22,644 acres (20,317 acres are acquired and

2,327 acres are public domain) principally for prisons. In Alaska the Department of Justice and the Post Office Department control only very small acreages of land.

Other Federal Agencies

The Housing and Home Finance Agency owns 22,096 acres of acquired lands in the United States and 21 acres of such lands in Alaska. The Veterans' Administration owns 39,660 acres of acquired lands and controls 6,245 acres of public domain lands in the United States. The International Boundary and Water Commission, United States and Mexico, owns 95,745 acres of acquired lands and controls 3,756 acres of public domain lands in southwestern United States in connection with its construction of storage dams, flood control structures and other works on international boundary streams under authority of the "American-Mexican Treaty Act of 1950" (64 Stat. 846, 22 U.S.C. Sup. 277d1-277d8). All other lands owned by various other Federal agencies in the United States, except the General Services Administration which is treated below, are acquired lands. The same is believed to be true of Alaska.

Area in Unperfected Entries

Under this heading in Table 4 are included the various types of entries, selections, and filings provided for by the existing public land laws, some of which require the submission of satisfactory final proof as a condition precedent to the issuance of patents. The total of such lands in the United States is 804,933 acres and in Alaska 177,108 acres.

In the main these embrace homestead entries, desert land entries, mineral entries, color of title applications, forest lieu selections, soldiers' additional homesteads and other scrip filings, and small tract filings in the United States. In Alaska, they include homestead entries

or claims, mineral claims, homesite and headquarter site entries and claims, trade and manufacturing site entries or claims, soldiers' additional homestead filings and small tract filings. Leased lands are not included inasmuch as leases do not confer ownership rights to the leased lands.

Outer Continental Shelf

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331) declared it to be the policy of the United States that the subsoil and seabeds of the "Outer Continental Shelf" appertain to the United States and are subject to its jurisdiction, control, and power of disposition, as set out in the act. The act grants to the Secretary of the Interior the authority to grant oil and gas leases or permits for the use of these lands. Section 12 (a) of the Act (67 Stat. 462; 43 U.S.C. 1339) authorizes the President to withdraw from disposition any of the unleased lands of the Shelf and Section 12 (d) reserves to the United States the right to designate by and through the Secretary of Defense, with approval of the President, areas restricted from oil and gas exploration and development needed for national defense. Areas of the Outer Continental Shelf are under consideration for "restriction" or withdrawal from exploration and development but as of June 30, 1955 no such lands had actually been "restricted" or withdrawn. The act does not apply to Alaska.

Restorations of Withdrawn and Reserved Lands

In general, the power to withdraw lands also carries with it the authority to restore lands. The Act of June 25, 1910 (36 Stat. 847, 43 U.S.C. 141), as shown above, authorizes the President to make temporary withdrawals but it also provides that they shall remain in force until revoked by him

or by an Act of Congress. Similarly, Executive Order No. 10355 of May 26, 1952, which delegated to the Secretary of the Interior the authority vested in the President to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States, also delegated the President's authority to modify or revoke such withdrawals and reservations "heretofore or hereafter made."

The statutory authority of the Secretary of the Interior to make and revoke withdrawals has been delegated, to the Director, Bureau of Land Management. The authority to make and revoke reclamation withdrawals has been delegated to the Commissioner of the Bureau of Reclamation subject to the concurrence of the Director of the Bureau of Land Management.

An order vacating a withdrawal does not, in itself, restore the lands. It must state how the lands will be disposed of, or authorize an officer of the Bureau of Land Management to do it by a separate order, before steps can be taken to appropriate or enter them (48 L.D. 507) (51 L.D. 158, 161).

Whether applications for lands may be filed immediately, or whether applicants must defer their applications until a future date, depends on the terms of the restoration order. Thus, where an order of revocation states that it shall not be effective to change the status of land until a future date, the land is not available for lease, selection, or entry, until that future date.

The Act of September 27, 1944 (58 Stat. 748, 43 U.S.C. 282), as amended, provides for allowance of veterans preference until September 27, 1959. Thus, as stated in Title 43 of the Code of Federal Regulations,

Sec. 181.45, the preference right provisions apply to all cases where lands are restored from an order of withdrawal or reservation; where lands are restored from segregation under the Carey Act; where lands in national forests are opened under the Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506-509), and where Indian or other lands withheld from application are reopened thereto. Veterans' preference rights do not apply where a revocation of an order of withdrawal is made in order to assist in a Federal land program other than one authorized by the homestead or desert-land laws or by the Small Tract Act of June 1, 1938, as amended, or where the lands are eliminated from national forests and are covered by the claims of holders of permits issued by the Department of Agriculture whose permits have been terminated only because of such elimination and who own valuable improvements on such lands (Act of June 3, 1948, 62 Stat. 305; 43 U.S.C. 284).

Ordinarily where withdrawn public lands are no longer needed for the purpose for which they are reserved, they are returned to the Bureau of Land Management, as the basic administering agency, for disposal or management under the public land laws. A proviso specifically setting forth such understanding is inserted in most of the withdrawal orders issued during and after the World War II period.

General Services Administration Disposals

In many instances, withdrawn lands have been improved at great expense and could not be disposed of to the advantage of the Government if returned, so improved, to the jurisdiction of the Bureau of Land Management. Examples are military bases and air fields. Under the Surplus Property Act of 1944 (58 Stat. 765, et seq.), as amended, the Department of the Interior

and the War Assets Administration were able to provide for the sale of excess withdrawn public lands if it was considered in the Government's interest to realize a financial return on its investment in improvements by such sale. This was done particularly where highly valuable improvements involved were enhanced if disposed of together with the land as a single unit. Unimproved surplus withdrawn lands were returned to this Department of Interior for restoration to the public domain and administration under the public land laws.

Section 1 (a) of the Act of July 12, 1952 (66 Stat. 593; 40 U.S.C. 472d) amended Section 3 (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471) so that at the present time, where an agency finds lands excess to its needs and to the needs of its Department, it is required to report them to the General Services Administration which will then determine whether the excess public lands have been substantially altered in character by improvements. If such is the case, the Bureau of Land Management is queried concerning the status of the land preparatory to disposal action. If the lands have not been altered or changed, General Services Administration requests Bureau of Land Management concurrence in its determination and acceptance of custody, control and administration of the lands.

In Amendment No. 10 to the Secretary's Order No. 2583, (19 F.R. 2555, May 1, 1954), the Director, Bureau of Land Management was authorized to execute such concurrences.

On June 30, 1955, the General Services Administration had jurisdiction over 73,695 acres of public land in the United States of which 27,747 acres consisted of public domain and 45,948 acres of Federally acquired lands. In Alaska, it had control over only 2 acres of acquired lands.

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